

## REMARKS

### **I. Introduction**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 37-41 are currently being amended. Exemplary support for the amendments is found in the specification in paragraphs [0007] and [0038].

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Upon entry of this Amendment, claims 37-41 will remain pending in the application.

Because the foregoing amendments do not introduce new matter, entry thereof by the Examiner is respectfully requested.

### **II. Response to Issues Raised by Examiner in Outstanding Office Action**

#### **a. Claim Rejections - 35 U.S.C. § 101**

Claims 37-41 are rejected by the Examiner under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner asserts that without a qualifier such as “isolated” or “purified” the claimed polypeptides encompass those found in nature. Applicants have amended the claims to be directed to isolated or purified polypeptides. On page 3 of the outstanding office action, the Examiner asserts that “[a]mendment of the claims to recite ‘isolated polypeptide’ would overcome the instant rejections.” Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection

#### **b. Claim Rejections - 35 U.S.C. § 102(b)**

Claims 36 and 41 are rejected by the Examiner under 35 U.S.C. § 102(b) as being anticipated by Ahmad et al. (Journal of Clinical Investigation, 1995, Vol. 85, pp. 2806-2812). The Examiner asserts that the instant claims fail to exclude polypeptides found in nature because they lack a qualifier such as “isolated” or “purified.” The Examiner asserts that the

polypeptides found in nature by Ahmed et al. would inherently comprise the claimed polypeptides because the nucleic acids encoding the claimed polypeptides were isolated from murine fat cells. Applicants have amended the claims to be directed to isolated or purified polypeptides. On page 3 of the outstanding office action, the Examiner asserts that “[a]mendment of the claims to recite ‘isolated polypeptide’ would overcome the instant rejections.” Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection.

**CONCLUSION**

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

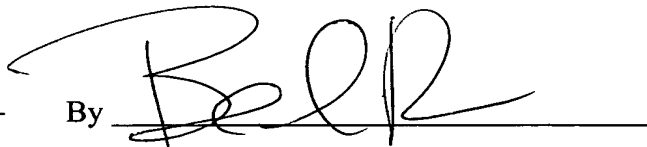
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant(s) hereby petition(s) for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date February 2, 2005

By



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